

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 25TH OCTOBER 2007 / 3RD KARTHIKA 1929

WP(C).No. 25501 of 2007(J)

PETITIONER:

**SMT.SUMAM,AGED 25,D/O.BABU,
"POURNAMI",PANAYARA P.O,CHEMMARUTI VILLAGE,
CHIRAYINKEEZHU TALUK,THIRUVANANTHAPURAM DISTRICT.**

**BY ADV. SRI.C.K.PRASAD
SRI.ABHILASH S.FRANCIS**

RESPONDENTS:

- 1. THE PARAVUR S.N.V REGIONAL CO-OPERATIVE
BANK LTD NO.1685,PARAVUR P.O,KOLLAM,REPRESENTED BY
ITS SECRETARY.**
- 2. AJI LAL,S/O.LATE ANIRUDHAN,
AJI BHAVAN,MUTHANA P.O,CHEMMARUTHI VILLAGE,
CHIRAYINKEEZHU TALUK,
THIRUVANANTHAPURAM DISRICT.**

BY ADV. SRI.B.SURESH KUMAR

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 25/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

APPENDIX IN W.P.C.NO.25501/07

PETITIONER'S EXHIBITS

- EXT.P1 TRUE COPY OF THE TERM DEPOSIT RECEIPT DTD. 19-09-2002
ISSUED BY FIRST RESPONDENT.**
- EXT.P2 TRUE COPY OF THEO RDER DTD. 24-05-2007 PASSED BY THE
FAMILY COURT, NEDUMANGAD IN O.P.NO.894/96**
- EXT.P3 TRUE COPY OF THE APPLICATION DTD. 25-05-2007 MADE BY R2
TO R1.**
- EXT.P4 TRUE COPY OF THE APPLICATION DTD. 20-07-07 MADE BY THE
PETITIONER TO THE FIRST RESPONDENT.**
- EXT.P5 TRUE COPY OF THE RECEIPT DTD. 20-07-07 ISSUED BY R1
ACKNOWLEDGING RECEIPT OF EXT.P4.**

/True Copy/

PA to Judge.

K.M.JOSEPH, J.

W.P.(c).No. 25501 OF 2007

Dated this the 25th day of October , 2007

JUDGMENT

Petitioner has approached this court seeking a mandamus commanding the 1st respondent to act in accordance with Exts.P2, P3 and P4 and to transfer the Term Deposit covered by Ext.P1 into the sole name of the petitioner.

Case of the petitioner in brief is that petitioner and the second respondent were married on 11/08/2002. An amount of Rs. 5,00,000/- was deposited with the first respondent bank as a Term Deposit for a period of 12 years in the name of both the petitioner and the second respondent. Ext.P1 is stated to be the Term Deposit Receipt. A girl, now aged 4 years is born in the wedlock. Second respondent filed a case before the family court seeking dissolution of marriage. Petitioner filed a case for realisation of Rs. 19,70,000/- from the second respondent and his relatives and for transferring the Term Deposit into her sole name. The petitioner and her child filed a case for maintenance from the second respondent. The petitioner filed another

complaint against the second respondent and his relatives for having committed offences against her. On 11/05/2007 the marriage was dissolved by the Family Court in view of a compromise petition. It is agreed by the second respondent that Ext.P1 Term Deposit would stand transferred into the sole name of the petitioner. By Ext.P2 order, the Family Court directed the first respondent to transfer the account of the Term Deposit into the sole name of the petitioner. The second respondent made Exts.P3 application requesting to transfer the Term Deposit into the sole name of the petitioner. Petitioner also made Ext.P4 application.

2. Counter affidavit is filed by the Bank wherein of course the contention taken is that writ petition is not maintainable. It is stated that Term Deposit was issued during the 70th year of operation of the 1st respondent society and Sapthathy cash certificate scheme is not in existence now and therefore transfer or name change in the term deposit is not permissible. It is also stated that under the above scheme, 5 times the amount deposited is given after 12 years as maturity value.

3. I heard learned counsel for the petitioner and also the learned counsel for the respondent-Bank. There is no appearance

for the second respondent. I feel that in the facts of this case, in view of the direction contained in Ext.P2 by the Family Court, petitioner is entitled to the relief sought. I also note that Exts.P3 and P4 applications were given by the petitioner and the second respondent.

The writ petition is disposed of directing the first respondent to act in accordance with Exts.P2, P3 and P4 and transfer the Term Deposit covered by Ext.P1 into the sole name of the petitioner within a period of one month from the date of receipt of a copy of this judgment.

(K.M.JOSEPH, JUDGE)

SV.

